

**REMARKS**

Claim 1-22 are pending in the instant application. No claims have been added. Claim 9 has been cancelled. Therefore, upon entry of the present Amendment, claims 1-8, 10-22 will be pending.

***Claim Rejections - 35 USC § 101***

Examiner has rejected claims 1-22 were rejected under 35 U.S.C. § 101 for nonstatutory subject matter. Applicants have amended the claims to recite allocating processing resources of a processor to a function among a plurality of functions.

Applicant traverse Examiner's conclusionary statement that "processing resources are synonymous with signal as mere energy. Applicants have provided on page 5 examples of processing resources as MIPS or DSPs or ASICs. Applicants have amended the claims to recite "processing resources of a processor" to more particularly point out and distinctly claim the subject matter regarded as embodiments of the invention.

***Claim Rejections - 35 USC § 102***

Examiner has rejected Claims 1-22 under 35 U.S.C. 102(e) as being anticipated by Breining (IEEE, 1063-6676/01, "A Robust Fuzzy Logic-Based Step-Gain Control for Adaptive Filters in Acoustic Echo Cancellation"). Applicants respectfully traverse this rejection.

Applicants traverse the rejections and the Examiner's use and characterization of the art. Anticipation requires the disclosure of each and every element of the claim arranged as in the claim—not in isolation. When the claimed invention is not identically disclosed in a reference, and instead requires

picking and choosing among a number of different options disclosed by the reference, then the reference does not anticipate. *Mendenhall v. Astec Indus.*, 1988 U.S. Dist., 13 U.S.P.Q.2d 1913, 1928 (Tenn. 1988), *aff'd*, 13 entered by U.S.P.Q.2d 1956 (Fed. Cir. 1989). *Akzo N.V. v. International Trade Commission*, 808 F.2d 1471, 1480 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909, 107 S. Ct. 2490, 96 L. Ed. 2d 382 (1987); *In re Arkley*, 59 C.C.P.A. 804, 455 F.2d 586, 587-88 (CCPA 1972).

Breining does not teach a processor nor processing resources nor functions nor instances of a function. The Examiner is putting forth an article on fuzzy logic to reject an application of fuzzy logic. Applicants disclaimed that they are inventing fuzzy logic and that fuzzy logic is in the prior art. The instant application already points to the Mamdani control system as prior art for fuzzy logic. The embodiments of the present invention are not controlling the step size. Embodiments of the instant application is to manage MIPS in multichannel environment where there is competition of MIPS resources of a processor.

Applicant believes this application and the claims herein to be in a condition for allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted:  
/Steven A. Shaw/

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Date

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